

REMARKS

The Office Action dated March 15, 2004, has been received and carefully noted. The amendments made herein and the following remarks are submitted as a full and complete response thereto.

Claims 1, 9-15, and 17-20 have been amended, and claims 7, 8, and 16 have been cancelled without prejudice. Applicants submit that the amendments made herein are fully supported in the specification and the drawings as originally filed, and therefore no new matter has been added. Accordingly, claims 1-6, 9-15, and 17-20 are pending in the present application and are respectfully submitted for consideration.

Claims 1-20 were rejected under 35 U.S.C. § 102(b) as being anticipated by Scroggie et al. (U.S. Patent No. 5,970,469, "Scroggie"). Applicant respectfully traverses this rejection as follows.

Applicant has amended independent claim 1 to recite "a browsing determining device for obtaining a determined result as to whether or not issued direct mail was browsed; and a sales promotion controlling device for **automatically** controlling sales promotion activities for commodities advertised in the direct mail based on the determined result." Specifically, in independent claim 1, direct mail is sent to a recipient, and if that recipient browses (opens) the direct mail (which corresponds to the "determined result" of independent claim 1), then the sales promotion controlling device automatically, i.e., **without any further action by the recipient**, controls promotion activities based on the determined result. Thus, in independent claim 1, merely browsing (opening) the direct mail triggers the controlling of the promotion activities. Independent claims 9, 11-14 and 17-20 include similar limitations with respect to

automatically controlling or automatically analyzing when the recipient opens the direct mail. Similarly, independent claim 10 recites “wherein said settling unit references said first storing unit, determines the transmission state of the direct mail to the customer, references said second storing unit, obtains a determined result as to whether or not the customer purchased commodities with respect to the sales promotion, and **automatically** provides a service to the customer based on the determined result.”

In contrast, Scroggie describes a method which includes the steps of:

logging in a remotely located customer using identity data and geographic region data transmitted by the customer over a communication network; transmitting back to the registered customer a plurality of incentive offers, the incentive offers being exercisable in the customer's geographic region; **and then receiving incentive offer selection data from the customer over the communication network**, the offer selection data including the designation of a retailer at which selected offer or offers may be exercised. **In response to the customer selection data**, the method performs the steps of generating a purchasing incentive containing (in encoded form) the identity of the retailer designated by the customer and the identity of the customer; and transmitting at least one incentive to the customer over the communication network, for subsequent printing by the customer

Scroggie, Column 1, Lines 47-62. As such, any steps that Scroggie may perform, which allegedly correspond to Applicant's claimed “controlling” and “analyzing,” only are performed **AFTER** the recipient of the direct mail transmits a response to the direct mail, which includes their customer selection data. Thus, Scroggie fails to disclose or suggest that any controlling or analyzing (corresponding to Applicant's claimed controlling and/or analyzing) automatically, i.e., without any further action by the recipient, takes place when the recipient opens the direct mail. Therefore, Applicant

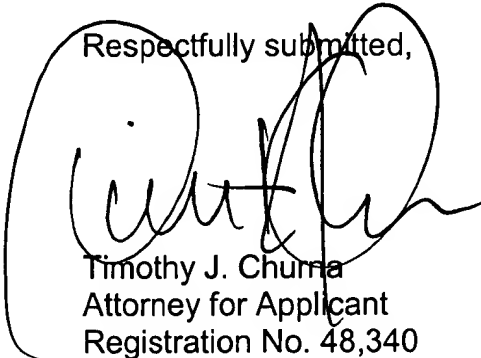
respectfully requests that the Examiner withdraw the anticipation rejection of independent claims 1, 9-14, and 17-20.

Claims 2-6 and 15 depend from independent claims 1 and 11, respectively. Therefore, Applicant respectfully requests that the Examiner also withdraw the anticipation rejection of claims 2-6 and 15.

CONCLUSION

Applicant respectfully submits that the above-titled patent application is in condition for allowance, and such action is earnestly requested. If the Examiner believes that an in-person or telephonic interview with Applicant's representatives would expedite the prosecution of the above-titled patent application, the Examiner is invited to contact the undersigned attorney of record. Applicant is enclosing a Petition for a Two-Month Extension of Time to Respond, and a check in the amount of \$420.00 covering the requisite large entity fee for such an extension of time, with this submission. Nevertheless, in the event of any variance between the fees determined by Applicant and those determined by the U.S. Patent and Trademark Office, please charge any such variance to the undersigned's Deposit Account No. 01-2300.

Respectfully submitted,


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Enclosure: Petition for Extension of Time (2 months)